

**REMARKS**

This application has been reviewed in light of the Office Action dated January 30, 2009. Claims 1-9, 12-18, and 21 are now pending, with Claim 1 as the only independent claim. By this Amendment, Claims 10, 11, 19, and 20 have been canceled without prejudice or disclaimer of the subject matter presented therein. Claims 1-9, 12-16, and 18 have been amended as to matters of form, with the exception of some amendments to Claim 1 pertaining to the linking step described in more detail below. Claim 1 has also been broadened in some respects, in that it now requires enhancement of only a single digital image (as opposed to multiple digital images) and communication with a single local distribution data transmitter (as opposed to multiple transmitters). Support for the amendments to Claim 1 can be found at least from original Claim 10 (now canceled), and in the specification at least at page 11, line 11 to page 12, line 11. Finally, Claim 21 has been added to provide Applicants with a more complete scope of protection. Support for this claim can be found in the specification at least at page 5, lines 11-14 and page 11, lines 23-29. Favorable reconsideration is respectfully requested.

Claims 3-6 stand rejected under 35 U.S.C. 112, second paragraph for lacking antecedent basis for the phrases “the release” and “the picture-taking release”. In response, Applicants have amended these claims to instead recite --a picture-taking release--. Accordingly, these rejections are believed to be obviated and their withdrawal is respectfully requested.

Relying on 35 U.S.C. 102(b), the Office Action rejected Claims 1-4, 6-12 and 19 as allegedly anticipated by Berstis (GB 2,347,834A). Applicants respectfully submit that Berstis does not teach or suggest all of the limitations of these claims.

In particular, Claim 1 requires a method of enhancing a digital image with contextual data, the digital image captured by a camera in a use environment of the camera, and the method including searching, in the camera's use environment, for a local distribution data transmitter. The method also includes establishing communication with the transmitter present in the communications environment. Contextual data transmitted by the

transmitter is received, and a validity duration associated with the contextual data is identified. Also identified is a time when the digital image was captured by the camera. If the time when the digital image was captured falls within the validity duration, at least part of the contextual data is linked to image data relating to the captured digital image.

A notable feature of Claim 1 is that at least part of the contextual data is linked to image data relating to the captured digital image, if the time when the digital image was captured falls within the validity duration. Support for this feature can be found at least from original Claim 10 (now canceled), and in the specification at least at page 11, line 11 to page 12, line 11. Such validity duration allows a selection between available contextual data. Especially, such validity duration allows a selection of contextual data related to events likely to stronger mark the user's recollection. A "user more easily links in his/her recollection concomitant perceptions ...." See page 12, lines 14-17 et seq. of the specification. Consequently, if multiple pieces of contextual information are available, only those whose validity duration encompasses the time of image capture will be considered for linking to the image.

Such considerations are not believed to be taught or suggested by Berstis. In rejecting similar features from original Claim 10, the Office Action at pages 5-6 refers to Berstis' timestamp provided by a GPS that is linked to a captured digital photograph (page 7, lines 15-26 of Berstis), as well as Berstis' use of codes and associated data structures to control what information each pervasive device can receive from other devices (page 9, line 35 et seq.) However, the timestamping of a captured digital photograph is not understood to teach or suggest Claim 1's requirement that the time when the digital image was captured falls within a validity duration associated with the contextual data, if at least part of the contextual data is to be linked to image data relating to the captured digital image. In other words, Berstis is not understood to teach or suggest that a check is performed to see whether the contextual data (i.e., the timestamp) has a validity duration during which the

time of image capture occurs. Berstis seems to link the timestamp and the image without any such check.

Berstis' use of codes and associated data structures is understood to control what information each pervasive device can receive from other devices. Such codes and data structures, however, are not understood to be taught or suggested by Berstis to be the identification of a validity duration associated with contextual data, and the determination of whether the time when the digital image was captured falls within such validity duration, as required by Claim 1.

For at least these reasons, Claim 1 is respectfully submitted to be patentable over Berstis and withdrawal of the corresponding Section 102(b) rejection is respectfully requested.

All of the other claims in this application depend from Claim 1, and the Office Action does not cite any other references as teaching or suggesting the features of amended Claim 1, described above. Accordingly, all other claims are submitted to be patentable for at least the same reasons as those set forth above with respect to Claim 1. Withdrawal of the rejections of the other claims is respectfully requested.

Each dependent claim, however, is deemed to define an additional aspect of the invention and, individual reconsideration of each such claim on its own merits is respectfully requested.

For example, Claim 17 requires that the contextual data contain at least one uniform resource locator address (URL). The Office Action at page 7 takes Official Notice that such claim is obvious. Applicants respectfully traverse this Official Notice. In particular, Claim 17 stands in conjunction with Claim 1 and Applicants consequently submit that it is not common knowledge to have a local distribution data transmitter transmit a URL as contextual information having an associated validity duration that is linked to a digital image if the time of capture of the digital image falls within the validity duration. Applicants submit that even if it were deemed common knowledge to link a URL provided by a local distribution data transmitter to a captured digital image (which Applicants do not concede), associating a

validity duration with the contextual information to which the URL belongs would not be an obvious additional action. Accordingly, pursuant to MPEP 2144.03, Applicants respectfully request documentary evidence supporting this rejection in the next Office Action, if this rejection is to be maintained.

Similarly, the Office Action rejects Claim 18 based on Official Notice that it is common knowledge to read the image data and contextual data, search for multimedia data by using the contextual data as a pointer, and simultaneously reproduce the multimedia content corresponding to the multimedia data and the image corresponding to the image data. Again, Applicants respectfully traverse this Official Notice and submit that Claim 18, in conjunction with the requirements of Claim 1 from which it depends, is not common knowledge. For example, Claim 18 requires a local data distribution transmitter that transmits a pointer (contextual data) to multimedia data. The contextual data, to which the pointer belongs, has an associated validity duration. The contextual data, including the pointer, is then received and linked to a digital image, if the validity duration encompasses the time the digital image was captured. Using the pointer, the multimedia data is found, and multimedia content (derived from the multimedia data) is simultaneously presented with the digital image. Accordingly, even if it were deemed that the use of a pointer to find multimedia data by itself were common knowledge, Claim 18 further requires that the pointer come from one device (a local data distribution transmitter) to another device that uses the pointer to find and simultaneously display multimedia content with the image, if the time at which the image was captured falls within the validity duration. Applicants respectfully submit that such requirements are not common knowledge and request documentary evidence supporting this rejection in the next Office Action, if this rejection is to be maintained.

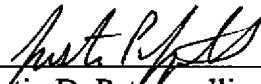
For another example, new Claim 21 has been added and requires that the validity duration be identified from a type of device the contextual data comes from, a repetition frequency of the contextual data by the device, a frequency with which the device is used, or a frequency at which the device transmits similar contextual data. Support for this claim can be

found in the specification at least at page 5, lines 11-14 and page 11, lines 23-29. These features are believed to be patentable in their own right.

In view of the foregoing remarks and amendments, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned attorney for the purpose of discussing such amendments.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.